

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Brenda Gail Prather,
Plaintiff,
vs.
Walmart Stores East, LP,
Defendant.

Civil Action No. 6:21-cv-2570-DCC

NOTICE OF REMOVAL

1. Defendant Walmart Stores East, LP (hereinafter “Defendant”), files this Notice of Removal of the above-titled action from the Court of Common Pleas of Greenville County, South Carolina, to the United States District Court for the District of South Carolina, Greenville Division, pursuant to 28 U.S.C. § 1441.

2. The above-titled action was instituted by Plaintiff against Defendant by the service of a Summons and Complaint filed on July 6, 2021, in the Greenville County Court of Common Pleas. Defendant was served with the Summons and Complaint by certified mail on its registered agent, CT Corporation, on July 12, 2021. The action is currently pending in the Court of Common Pleas for Greenville County, South Carolina, Case No. 2021-CP-23-03195. No further proceedings have been filed and the Summons and Complaint constitute all process, pleadings and orders served in this action. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint is filed herewith.

3. There is jurisdiction over this removed action pursuant to 28 U.S.C. § 1441 because this action could have originally been filed in this court pursuant to 28 U.S.C. § 1332. Specifically, this suit is removable because there is complete diversity of citizenship between the Plaintiff and Defendant. Based upon significant claimed medical damages presented to Defendant’s claims

manager, Walmart Claims Services, the amount in controversy as to the Plaintiff's claims exceeds Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), exclusive of interests and costs.

4. At the time of commencement of the action, Plaintiff was and still is a citizen and resident of South Carolina.

5. Plaintiff's Complaint arises from an incident in which the Plaintiff allegedly fell as a result of a piece of debris on the floor while shopping at Defendant Walmart Stores East, LP's Walmart, SC store. *See* Pl.'s Compl. at ¶ 7. Plaintiff alleges negligence and gross negligence by Defendant. *See* Pl.'s Compl. at ¶ 11. Plaintiff also claims that as a result of the alleged incident, she sustained serious bodily injuries, past and future medical associated with those injuries and has endured emotional distress, pain and suffering. *See* Pl.'s Compl. at ¶ 15. Further, Plaintiff seeks an award of actual and punitive damages. *See* Pl's Compl. at Prayer for Relief.

7. Defendant Walmart Stores East, LP, was, at the time of the commencement of the action, and still is, a corporate entity organized and existing under the laws of a state other than South Carolina and having its principal place of business in a state other than South Carolina. Specifically, pursuant to 28 U.S.C. § 1332(c)(1), Wal-Mart Stores East, L.P. is a citizen of both Delaware and Arkansas, as it is a Delaware corporate entity with its principal place of business in Arkansas.

8. Based upon Plaintiff's claimed injuries and damages, the amount in controversy exceeds the sum of Seventy-Five Thousand 00/100 Dollars (\$75,000.00), exclusive of interest and costs, and said action is one over which the District Court of the United States has original jurisdiction under 28 U.S.C. § 1332 for the reasons set forth above.

9. Defendant hereby give counsel for Plaintiff written notice of the removal of this action and will provide a copy of the filed Notice of Removal to the Clerk of Court for Greenville County, as required by 28 U.S.C. § 1446(d).

11. Defendant files this Notice of Removal within thirty (30) days of the receipt of Plaintiff's Complaint in the state court action, which was the first pleading received by Defendant setting forth the claims for relief upon which this action is based.

WHEREFORE, Defendant respectfully submits this Notice of Removal this 10th day of August 2021.

s/Nashiba Boyd

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August 11, 2021